

# SENATE BILL 124

R4

2lr0040

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Introduced and read first time: January 18, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Eligibility for Driver’s License Test**

3 FOR the purpose of reducing the period of time that certain individuals at least a  
4 certain age who hold a learner’s instructional permit are required to wait before  
5 taking certain examinations for a provisional driver’s license under certain  
6 circumstances; reducing the driving practice requirements that an individual at  
7 least a certain age is required to meet before taking certain examinations for a  
8 provisional driver’s license; establishing certain additional requirements related  
9 to driver training for an individual who does not pass certain examinations for a  
10 provisional driver’s license after making a certain number of attempts;  
11 expanding the authority of the Motor Vehicle Administration to renew a driver’s  
12 license without requiring a driving test by authorizing renewal for an applicant  
13 who held a valid driving privilege within a certain period of time; making  
14 stylistic and conforming changes; and generally relating to eligibility for driver’s  
15 license tests.

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 16–105(d), 16–111, and 16–115(c)  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 16–105.

25 (d) (1) This subsection applies to an individual who:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Seeks to obtain an original driver's license under this  
2 subtitle; and

3 (ii) Does not qualify for a learner's instructional permit under  
4 subsection (e) of this section.

5 (2) An individual **UNDER THE AGE OF 25 YEARS** who holds a  
6 learner's instructional permit may not take a driver skills examination or driver road  
7 examination for a provisional license:

8 (i) Sooner than 9 months following the later of:

9 1. The date that the individual first obtains the learner's  
10 instructional permit; or

11 2. The date the individual was convicted of, or granted  
12 probation before judgment under § 6-220 of the Criminal Procedure Article for, a  
13 moving violation;

14 (ii) Until after successful completion of:

15 1. The driver education program approved under  
16 Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at  
17 least 6 hours of highway driving instruction; and

18 2. At least 60 hours, 10 hours of which must occur  
19 during the period beginning 30 minutes before sunset and ending 30 minutes after  
20 sunrise, of behind-the-wheel driving practice supervised by an individual who:

21 A. Holds a valid driver's license;

22 B. Is at least 21 years old; and

23 C. Has been licensed to drive for at least 3 years; and

24 (iii) Unless the individual submits, in accordance with the  
25 Administration's regulations, a completed skills log book signed by:

26 1. Each supervising driver who certifies that the  
27 individual has satisfactorily demonstrated a required skill and has completed the  
28 driving practice requirements of item (ii)2 of this paragraph; and

29 2. If a signature of a parent, guardian, or other person is  
30 required under § 16-107 of this subtitle, the parent, guardian, or other person who  
31 signs the individual's application under that section.

1           **(3) AN INDIVIDUAL AT LEAST 25 YEARS OLD WHO HOLDS A**  
2 **LEARNER’S INSTRUCTIONAL PERMIT AND HAS NOT BEEN CONVICTED OF, OR**  
3 **GRANTED PROBATION BEFORE JUDGMENT FOR, A MOVING VIOLATION MAY**  
4 **TAKE A DRIVER SKILLS EXAMINATION OR DRIVER ROAD EXAMINATION FOR A**  
5 **PROVISIONAL LICENSE 6 MONTHS FOLLOWING THE DATE THAT THE INDIVIDUAL**  
6 **FIRST OBTAINS THE LEARNER’S INSTRUCTIONAL PERMIT IF THE INDIVIDUAL:**

7           **(I) SUCCESSFULLY COMPLETES A DRIVER EDUCATION**  
8 **PROGRAM APPROVED UNDER SUBTITLE 5 OF THIS TITLE, CONSISTING OF AT**  
9 **LEAST 30 HOURS OF CLASSROOM INSTRUCTION AND AT LEAST 6 HOURS OF**  
10 **HIGHWAY DRIVING INSTRUCTION;**

11           **(II) RECEIVES AN ADDITIONAL 30 HOURS, 10 HOURS OF**  
12 **WHICH MUST OCCUR DURING THE PERIOD BEGINNING 30 MINUTES BEFORE**  
13 **SUNSET AND ENDING 30 MINUTES AFTER SUNRISE, OF BEHIND-THE-WHEEL**  
14 **DRIVING PRACTICE SUPERVISED BY AN INDIVIDUAL WHO:**

- 15                   **1. HOLDS A VALID DRIVER’S LICENSE;**  
16                   **2. IS AT LEAST 21 YEARS OLD; AND**  
17                   **3. HAS BEEN LICENSED TO DRIVE FOR AT LEAST 3**  
18 **YEARS; AND**

19           **(III) SUBMITS, IN ACCORDANCE WITH THE**  
20 **ADMINISTRATION’S REGULATIONS, A COMPLETED SKILLS LOG BOOK SIGNED BY**  
21 **EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE INDIVIDUAL HAS**  
22 **SATISFACTORILY DEMONSTRATED A REQUIRED SKILL AND HAS COMPLETED**  
23 **THE DRIVING PRACTICE REQUIREMENTS REQUIRED BY THIS PARAGRAPH.**

24           **[(3)] (4) A learner’s instructional permit issued to an individual**  
25 **described in paragraph (1) of this subsection expires 2 years after the date of issuance.**

26 16–111.

27           (a) This section applies to an applicant who:

28                   (1) Holds a learner’s instructional permit under § 16–105(d) of this  
29 subtitle; or

30                   (2) Qualifies for a provisional license under subsection **[(e)] (F)** of this  
31 section.

32           (b) An applicant is entitled to receive a provisional license if the applicant:

1 (1) Meets the minimum age required under § 16-103(c)(2) of this  
2 subtitle;

3 (2) Satisfies the learner's instructional permit requirements under [§  
4 16-105(d)(2)] **§ 16-105(D)** of this subtitle;

5 (3) Passes a driver skills **EXAMINATION** or driver road examination  
6 **ON THE FIRST OR SECOND TEST ATTEMPT** administered under this subtitle;

7 (4) Surrenders any learner's instructional permit issued to the  
8 applicant; and

9 (5) Pays the fee established under this subtitle.

10 **(C) (1) AN APPLICANT WHO DOES NOT PASS THE DRIVER SKILLS**  
11 **EXAMINATION OR DRIVER ROAD EXAMINATION AFTER TWO ATTEMPTS MUST:**

12 **(I) WAIT AT LEAST 2 WEEKS BEFORE BEING RETESTED;**  
13 **AND**

14 **(II) PRESENT TO THE ADMINISTRATION AT RETESTING A**  
15 **COMPLETED SKILLS LOG THAT:**

16 **1. INDICATES THAT THE APPLICANT HAS OBTAINED**  
17 **AN ADDITIONAL 30 HOURS OF SUPERVISED BEHIND-THE-WHEEL DRIVING**  
18 **PRACTICE; AND**

19 **2. IS SIGNED BY EACH SUPERVISING DRIVER WHO**  
20 **MEETS THE REQUIREMENTS OF § 16-105(D)(3)(II) OF THIS SUBTITLE.**

21 **(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1)**  
22 **OF THIS SUBSECTION, AN APPLICANT WHO DOES NOT PASS THE DRIVER SKILLS**  
23 **EXAMINATION OR DRIVER ROAD EXAMINATION AFTER THREE ATTEMPTS SHALL**  
24 **ALSO PRESENT TO THE ADMINISTRATION AT RETESTING A CERTIFICATE**  
25 **INDICATING THAT THE INDIVIDUAL HAS RECEIVED AN ADDITIONAL 3 HOURS OF**  
26 **BEHIND-THE-WHEEL TRAINING WITH A CERTIFIED DRIVING INSTRUCTOR**  
27 **LICENSED UNDER TITLE 15 OF THIS ARTICLE.**

28 **[(c)] (D)** A provisional license shall be clearly identifiable as a provisional  
29 license.

30 **[(d)] (E)** (1) An individual who holds a provisional license may not  
31 receive a license sooner than 18 months following the later of:

- 1 (i) The date the individual first obtains the provisional license;
- 2 (ii) The date the individual is convicted of, or granted probation  
3 before judgment under § 6–220 of the Criminal Procedure Article for:
- 4 1. A moving violation; or
- 5 2. A violation of a provisional driver’s license restriction  
6 under § 16–113(i) of this subtitle; or
- 7 (iii) The date of restoration of an individual’s provisional driver’s  
8 license or driving privilege that has been suspended, revoked, or canceled for any  
9 reason.

10 (2) Notwithstanding any other provision of this subtitle, the  
11 Administration may issue a license to an individual who was otherwise eligible to  
12 receive a license at the time a moving violation was committed.

13 **[(e)] (F)** (1) Notwithstanding subsection **[(d)] (E)** of this section or any  
14 other provision of this subtitle, the Administration may issue a provisional license to  
15 an individual who has been licensed to drive in another state or country, or by the  
16 armed forces of the United States for less than 18 months.

17 (2) If an individual has been licensed for:

18 (i) Less than 6 months, the individual shall hold the provisional  
19 license for at least 18 months before being eligible for a license under § 16–111.1 of  
20 this subtitle;

21 (ii) 6 months, but less than 12 months, the individual shall hold  
22 the provisional license for at least 12 months before being eligible for a license under §  
23 16–111.1 of this subtitle as long as the individual has not committed an offense as  
24 defined in § 16–213(a) of this title during that period; or

25 (iii) 12 months, but less than 18 months, the individual shall  
26 hold the provisional license for at least 6 months before being eligible for a license  
27 under § 16–111.1 of this subtitle as long as the individual has not committed an  
28 offense as defined in § 16–213(a) of this title during that period.

29 (3) An individual who commits an offense as defined in § 16–213(a) of  
30 this title while holding a provisional license issued under this subsection is subject to:

31 (i) The waiting periods under subsection **[(d)(1)(ii)] (E)(1)(II)** of  
32 this section before qualifying for a license under § 16–111.1 of this subtitle; and

1                   (ii) Other sanctions applicable to a holder of a provisional  
2 license under this article.

3                   (4) Notwithstanding § 16–103(c)(3) of this subtitle, the Administration  
4 may issue a license under § 16–111.1 of this subtitle without issuing a learner’s  
5 instructional permit or a provisional license if the individual has been licensed to drive  
6 in another state or country, or by the armed forces of the United States, for at least 18  
7 months.

8                   [(f)] (G) A provisional license is subject to the expiration and renewal  
9 requirements of § 16–115 of this subtitle.

10 16–115.

11                   (c) The Administration may renew a license [within 1 year after the  
12 expiration date] without requiring a driving test **IF THE APPLICANT HELD A VALID**  
13 **DRIVING PRIVILEGE WITHIN THE PREVIOUS YEAR.**

14                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2012.